

State Office of Administrative Hearings



Cathleen Parsley
Chief Administrative Law Judge

August 26, 2010

Les Trobman, General Counsel
Texas Commission on Environmental Quality
P.O. Box 13087
Austin Texas 78711-3087

Re: SOAH Docket Nos. 582-08-3825 and 582-09-3548
TCEQ Docket Nos. 2008-0955-UCR and 2009-0350-UCR
In Re: Application of the City of Alton to Amend Certificate of Convenience and Necessity No. 20809 in Hidalgo County and Application of the City of Mission to Amend Certificate of Convenience and Necessity No. 20768 in Hidalgo County

Dear Mr. Trobman:

I have reviewed the exceptions filed by the parties to my Proposal for Decision (PFD) in this case. At this time, I have no changes to make to the PFD or to my recommendations. However, I support the changes to findings of fact (FOF) proposed by the Executive Director in his exceptions, which address typographical errors. Specifically, in FOF No. 22, the apostrophe should be removed from "it's" so that it reads "its." Further, in FOF No. 67, replace the phrase "Mission is affected" with the phrase "Mission will be affected." Finally, in FOF No. 97, the word "who" should be deleted. Other than these changes, I have no other changes to my recommendation or the language of the proposed order.

On a separate note, the City of Alton has submitted additional evidence with its exceptions to the PFD. The City of Mission has moved to strike such evidence. Because I have issued my PFD, I conclude that jurisdiction in this case now rests with the Commission to address this pending motion. Therefore, I do not intend to make any ruling on the new evidence that Alton now offers with its exceptions. However, having since reviewed the evidence along with the exceptions, I would add that—even if it were in the record—it would not change my recommendation.

I will be at the Commission's open meeting and will be available to answer any questions you may have at that time.

Sincerely,

A handwritten signature in black ink, appearing to read "Craig R. Bennett".

Craig R. Bennett
Administrative Law Judge

CRB/lb

cc: Mailing List

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STYLE/CASE: CITY OF ALTON
SOAH DOCKET NUMBER: 582-08-3825
REFERRING AGENCY CASE: 2008-0955-UCR

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HEARINGS**

**ADMINISTRATIVE LAW JUDGE
ALJ CRAIG R. BENNETT**

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Note: CONSOLIDATED WITH DOCKET NO. 582-09-3548
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